DOCUMENT RESUME

ED 383 580 SO 024 686

TITLE	Sexual Harassment in the Classroom.
SPONS AGENCY	Albany-Schoharie-Schenectady Board of Cooperative Educational Services, Albany, N.Y.
PUB DATE	94
NOTE	6p.
AVAILABLE FROM	Occupational Education Equity Center (Project VOICE/MOVE), 47 Cornell Road, Latham, NY 12110-1402.
PUB TYPE	Guides - Non-Classroom Use (055)
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	*Antisocial Behavior; *Civil Rights; Elementary Secondary Education; Emotional Abuse; *Sex Bias; Sexual Abuse; *Sexual Harassment; Social Bias; Verbal Abuse
IDENTIFIERS	*New York

ABSTRACT

This brief pamphlet, developed for New York schools, presents a concise overview of sexual harassment in the classroom. The paper contains the following sections: (1) What is the definition of sexual harassment? (2) What is important to remember about sexual harassment? (3) Can sexual harassment be prevented? and (4) What if sexual harassment occurs? In section 4, there is a guide for the student and a guide for the educator in dealing with sexual harassment. A 6-item resource list also is provided. (EH)

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Sexual Harassment in the Classroom

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SEXUAL HARASSMENT IN THE CLASSROOM

There are subjects in the field of education that cause discomfort but must be discussed by educators, parents, and students alike. Sexual harassment in the classroom is a widespread problem that demands attention. **When a student (male or female) is subjected to unwelcome behavior that is sexual in nature, it is "sexual harassment" and is inappropriate, harmful, and against the law.** It has become of particular concern in recent years as females enter programs traditionally dominated by males. Teachers and students who are unaccustomed to the other sex sharing their environment and expertise, often respond in a traditional, stereotypical manner. Sometimes they recruit and support women. Sometimes they ignore or exclude them. Occasionally, students are deliberately harassed.

WHAT IS THE DEFINITION OF SEXUAL HARASSMENT?

If a student feels uncomfortable, pressured, threatened, or in danger as a result of sexually-related activity in the classroom, then it is unwelcome and can constitute "harassment". Although students will have varying levels of tolerance, they can generally determine when seemingly harmless behavior has crossed the line, and they are being victimized. **Unwelcome sexual advances, requests for sexual favors, unnecessary physical contact, or explicit comments change a professional educator-student relationship into that of harasser-victim.** Even behaviors that may appear to be "friendly", such as an arm around the shoulder, jokes, pictures, and innuendoes do not belong in a classroom and can constitute sexual harassment.

The definition of sexual harassment is based on the premise that educators are expected to be positive role models for students, representing appropriate moral, ethical, and professional behaviors. If their role changes to that of a threatening presence determined to demonstrate power, then the classroom atmosphere is no longer conducive to effective learning. If an attempt at power includes sexual pressures, then the student changes from learner to victim.

The legal guidelines of Title VII of the Civil Rights Act of 1964 (Section 703) focus on employment, and define the potential outcomes of conduct that constitutes harassment:

- the conduct "poisons the environment", creating an offensive, intimidating climate that interferes with work performance
- submission is a condition of continued employment and employment decisions (promotions, assignments, and so forth)

Title VII is limited to the work place, but guidelines for students have been included in other sources. For example, Title IX of the Education Amendments of 1972 prohibits sexual harassment of students in any part of an educational institution receiving federal funds. Emphasis is on the intent of the law that all students be treated equally, regardless of their gender.

The potential outcomes of sexual harassment of students are:

- student evaluation, promotion, opportunities, privileges and other benefits of education are dependent upon submission
- the conduct interferes with student academic performance and/or creates a hostile academic environment

All of the above definitions can best be described as "UNWANTED SEXUAL ATTENTION" from students, counselors, teachers, administrators, or other school personnel.

The Equal Employment Opportunity Commission (EEOC), Office of Civil Rights, Local Human Rights Association, and sex equity (or Title IX) offices of The State Education Department can provide specific information about sexual harassment and students.

WHAT IS IMPORTANT TO REMEMBER ABOUT SEXUAL HARASSMENT?

Educators and students alike may insist that they have never witnessed sexual harassment in their institutions. They may sincerely believe that it is not a problem, at least not in their personal educational environment.

But as students have become more informed about their right to pursue an education free from stresses such as sexually-related pressures, they are beginning to speak out about their observations and experiences. **Although sexual harassment generally still goes unreported (either because of fear of reprisal, a nonexistent grievence procedure, and/or lack of information about sources of assistance), recent research has revealed it to be a prevalent problem in education.** Organizations that have taken the initiative to prevent sexual harassment from occurring are succeeding in avoiding a problem that could result in poor public relations, stressful work settings, and expensive litigation. Most important, educators who recognize the issue and take action are advocating for a fair, comfortable educational climate for students. They are aware that:

- Despite the myths, **no one asks for sexual harassment to occur.** Descriptions of dress, setting, reputation, and other relationships of the victim are not acceptable explanations for disturbing, sexually-related behavior. Respectable educators understand how to relate to students in a professional manner, and do not abuse their supervisory positions.

- **Victims gain very little from fabricating sexual harassment stories.** They will undergo questioning, disruption of their studies, and possible accusations of "causing" the harassment to occur. It is such a stressful experience that students often choose not to report the incident. **Of course it is necessary to protect the rights of the accused** so that the situation can be resolved fairly. A clear grievance procedure should protect all parties involved.

- Most victims go through a natural period of self-blame. Sexual harassment is an emotional experience, sometimes very frightening for a young person dependent upon educators for future success. **It is completely normal for victims to question what they could have done personally to protect themselves.** They should be told consistently that sexual harassment is a tool used for purposes of embarassment, intimidation, and control. The harasser is in the wrong - not the victim.

- **In many cases, the harasser is engaging in behaviors that he or she never learned were inappropriate.** Stereotypical images of men and women perpetuate interactions that stress conflict with the other sex. Certainly ignorance is not an excuse, but harassers may need to be educated and counseled so that they can understand why harassment is a crime and can succussfully change their behavior.

- **It is the responsibility of every individual in the organization to protect students from sexual harassment and to report any incidents that they may observe.**

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CAN SEXUAL HARASSMENT BE PREVENTED?

Yes. The first step that an institution can take to protect students from potential harassment is to make it clear that it will not be tolerated. Institutions can avoid complaints and possible litigation, by stressing that sexual harassment interferes with the learning process and is not acceptable in an educational setting. A suggested series of steps follows:

- **Establish either a centralized committee or designated personnel to organize guidelines and procedures related specifically to sexual harassment.** Ideally, this is done before an incident occurs so that the institution is preventing problems rather than reacting to a crisis.
- **Train the committee and other personnel who will be responsible for preventing and resolving sexual harassment complaints.** Supply them with resources. Spend the time to help them understand the myths and realities related to sexual harassment of students. If possible, arrange for staff development of all educators in the institution, including training them about how to inform students about the issue. **Students who are about to enter the work force would benefit from education about sexual harassment.**
- **Establish a policy, write it up clearly, and post it in faculty centers, school newsletters, and student newspapers.** Be prepared for discussions in response to the policy statements. Emphasize that the institution is acknowledging that this problem does exist in education but that it will not be tolerated in the institution.
- **Using guidelines from a variety of sources, establish a grievance procedure that protects all of the parties involved.** Keep in mind:
    - Several steps in the procedure allow problems to be solved internally to everyone's satisfaction. If the steps are followed, then it may not be necessary for the process to become formal, involving attorneys and other outside organizations.
    - Be aware of the sensitivity of the issue and guarantee confidentiality. Inform all parties involved that specific records (notes of conferences, names of witnesses, etc.) will be kept in case the complaint cannot be resolved by the institution and a court of law is eventually involved.
- **Determine who in the institution will be available to a student who feels that he or she has been a victim of sexual harassment.** Designated contact persons should be readily available, familiar with counseling procedures, and given the capacity to respond appropriately to the complaint (access to administrators, freedom to maintain confidentiality, and so forth).
- **Recognize that students have a right to consult their own attorney.** A fair and thorough grievance procedure should limit the necessity of the student seeking outside legal advice. Most educational institutions have their own school lawyer, and most educators have access to union advisors. But **all parties involved are free to consult with the local Office of Civil Rights, the Human Rights Association, or the United States Equal Employment Opportunity Commission (EEOC).** Specific information about how to file a legal complaint can be provided by those organizations.

Students and educators should be routinely informed about the philosophy and procedures of the organization. Each new faculty member should be advised about educational policy in relation to sexual harassment. **By acknowledging the issue at the outset, responsible educators are setting up the appropriate climate for prevention of sexual harassment.**

WHAT IF SEXUAL HARASSMENT OCCURS?

A Guide For The Student

Do not blame yourself. Sexual harassment is wrong.

Go to someone you trust (or a designated school employee such as a guidance counselor) and give the facts. Describe witnesses, setting, specific actions, and other significant information. Keep a written record of the information that you shared.

Ask about the procedure that will be followed to resolve your complaint. Request that if any other school personnel must be informed, your complaint will be confidential. Then keep it confidential yourself except to tell a close relative or friend. Stress that your privacy is very important in this instance. Then follow the directions about the grievance procedure.

Ask for information about other organizations besides the school that can investigate a sexual harassment complaint.

If you are scared, angry, or confused, ask for counseling and support.

A Guide For The Educator

Do not blame the student or question his or her motives. Sexual harassment is hard to report and is wrong.

Take complete notes about the student's experience. Advise the student about who in the organization is familiar with sexual harassment policies and procedures and can be trusted to follow through on the complaint. If possible, consult a written grievance procedure for proper forms and contact persons.

Explain the grievance procedure to the student, assuring her or him that all information provided to school personnel involved in the grievance procedure will remain confidential. Encourage the student to confide in a friend, parent, or close relative. Then follow the established procedures, making sure that the accused has a right to participate in the complaint process.

Inform the student about outside agencies that are available for assistance if the complaint is not resolved satisfactorily.

Provide specific information about where the student can go for continued guidance and support.

RESOURCES

The following sources provide definitions, policy statements, sample grievance procedures, and federal guidelines.

- In Case of Sexual Harassment: A Guide for Women Students
  (Association of American Colleges, Washington, D.C.)
- Who's Hurt and Who's Liable: Sexual Harassment in Massachusetts Schools
  (Department of Education, Quincy, Massachusetts)
- Sexual and Gender Harassment in the Academy: A Guide for Faculty, Students, and Administrators
  (The Modern Language Association of America, New York, New York)
- The Workplace Hustle: Understanding Sexual Harassment on the Job
  (Creative Life Designs, Ventura, California)
- Tune In To Your Rights: A Guide for Teenagers About Turning Off Sexual Harassment
  (Center for Sex Equity in Schools, University of Michigan, Ann Arbor)
- Center for Women in Government - Training and Publications
  (Albany, New York)